



# OLMS Interpretative Manual

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*U.S. Department of Labor - Office of Labor-Management Standards*

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## **BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS**

### **100.001 POLICY STATEMENT**

Because the Secretary of Labor does not have authority to enforce Title I of the Act (except the provisions of section 104 concerning the right to copies of collective bargaining agreements), it is the policy of this Office to refrain from giving advisory opinions on questions relating to any provision of Title I except section 104.

## **RIGHT TO COPY OF COLLECTIVE BARGAINING AGREEMENT**

### **110.001 LMRDA, SECTION 104**

It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer, copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. The provisions of section 210 shall be applicable in the enforcement of this section.

### **110.005 RIGHT NOT DEPENDENT ON UNION MEMBERSHIP**

Every employee (whether or not a union member) is entitled, on request, to have a local union forward to him a copy of each collective bargaining agreement made by the local union which directly affects his rights as an employee.

Whenever a parent labor organization makes a collective bargaining agreement which directly affects the rights of members of an affiliated local union, the parent organization is required to send a copy of the agreement to the local union. The copy is to be kept in the principal office of the local union, and every member or employee whose rights are affected by the agreement is



entitled to examine the copy.

If a member or employee believes that a union has violated its duty to furnish or make available copies of collective bargaining agreements, he may make this known to the Secretary of Labor who is empowered to enforce this provision by bringing suit in a Federal district court.

#### 110.100 OBLIGATION OF LOCAL

The language of section 10 creates the duty of the appropriate official of a local labor organization to forward a copy of any collective bargaining agreement made by it to any employee who requests a copy and whose rights are directly affected by the agreement. It also creates the duty to make the agreement available for inspection by any member of the labor organization or any employee whose rights are directly affected by such agreement.

This means that where a local union has agreements with a number of employers, the local union would be required to furnish a copy of a particular agreement only to those employees and members whose rights as employees are directly affected by such agreement. The local union would also be obligated to show a copy of any agreements it negotiated to any of its members whether or not they are directly affected.

#### 110.120 OBLIGATION OF PARENT ORGANIZATION

If a collective bargaining agreement was made by the national or international organization, the secretary or corresponding officer of such organization is required to forward a copy to the local.

The secretary or corresponding officer of the local is required to keep a copy at the principal office of the local, available for inspection by members and affected employees.

#### 110.130 EMPLOYER'S OBLIGATION

The Act does not compel an employer to supply any copies of the collective bargaining agreement to the union, nor does it compel the union to supply the employer with copies of the collective bargaining agreement. Since the Act places with the labor organization the responsibility of making copies of collective bargaining agreements available to affected employees, the fact that an employer prints copies of the collective bargaining agreement does not remove that responsibility from the secretary or corresponding principal officer of the labor organization.

#### 110.200 FORMER EMPLOYEE

In view of the language of section 104, it is our opinion that a person who is no longer an employee within the meaning of section 3(f) of the Act is not entitled to receive a copy of the collective bargaining agreement. However, he is entitled to inspect the agreement in effect at the time of his dismissal and the current contract at the principal office of his local union, if he is still a member of the union. He would still be considered a member if he has been expelled from the union in a manner inconsistent with section 101(a)(5).

If the individual's work has ceased as a consequence of, or in connection with, any current labor dispute, or because of any unfair labor practice, or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of the LMRDA, he would still be considered an employee and would be entitled to receive a copy of any collective bargaining agreement which affects his rights.

#### 110.300 "AGREEMENT" INCLUDES CHANGES

The question as to what components comprise a collective bargaining agreement depends upon several factors in each individual case. In addition to the basic agreement, any subsequent agreement or amendment, oral or written, which modifies the basic agreement becomes a part of the collective bargaining agreement. Furthermore, all agreements which are incorporated by reference into the basic working agreement become a part of it.

#### 110.305 ORAL AGREEMENTS

Section 104 applies to oral as well as written collective bargaining agreements. If the agreement is negotiated by a local labor organization, a copy of the agreement, including a written statement of all terms arrived at orally, must be furnished to any directly affected employee who requests a copy. It is the duty of the secretary or corresponding principal officer of the organization to furnish a statement setting forth the terms and conditions of the oral agreement.

In the case of a labor organization other than a local, the entire agreement, including a written statement of any oral provisions, must be transmitted to the principal office of the constituent unit for inspection by a union member or directly affected employee who asks to see the agreement.

#### 110.320 WORK REFERRAL LIST

All supplements which are incorporated by reference into a collective bargaining agreement become a part of it. Thus, where an agreement makes reference to a work referral system which the union is to administer, and further sets up terms, conditions and classifications of employees which the union is obliged to follow in referring applicants for jobs, the referral list is incorporated by reference into the basic agreement. Therefore, being a part of the basic working agreement, the referral list should be made available pursuant to section 104.

#### 110.325 RECORDS OF NEGOTIATIONS

Ordinarily the records of negotiations conducted are not considered part of the collective bargaining agreement. Therefore, copies of such records are not required to be made available under section 104.

#### 110.400 PRINTING AND DISTRIBUTION

Section 104 of the Act places a duty on the secretary or corresponding principal officer of a local labor organization to forward a copy of a collective bargaining agreement to any employee who requests such a copy and whose rights are directly affected by the agreement. The law does not place any responsibility upon an employer who is a party to the contract to make available such copies. The number of copies to be printed, the cost of printing them and the method of distribution are internal union matters or subjects for collective bargaining. After the copies are printed, the responsibility is with the secretary or corresponding principal officer of the labor organization to forward a copy of the agreement to those affected employees who request it, regardless of who printed them.

#### 110.410 FEE FOR COPY

In our opinion, the right to a copy of the contract under section 104 is unqualified and the union may not condition it upon payment of a fee however small.

#### 110.420 DUPLICATE COPIES

The Secretary or corresponding principal officer of a labor organization is under a duty to forward a copy of the collective bargaining agreement to any employee upon request and may not charge for copies, no matter how reasonable a proposed charge may seem. However, he need not furnish duplicate copies of those component parts of a contract which have already been furnished to a requesting employee.

#### 110.510 ENFORCEMENT BY PRIVATE SUIT OR BY SECRETARY

Section 102 in Title I of the Act authorizes "any person" to bring a civil action in a district court of the United States to protect rights secured by "this title." There is no suggestion that this does not include rights secured by section 104 which is, of course, a part of Title I. The fact that the Secretary may also enforce rights secured by section 104 seems in no way inconsistent with this result. In the case of these particular rights, action by the Secretary is simply an additional enforcement method.

#### 110.600 ENFORCEMENT OF AGREEMENT

Section 104 merely gives the union member the right to receive from his union a copy of the collective bargaining agreement, and in no way gives the member a right of action against the union seeking to require that the agreement be carried out.  
Allen v. Armored Car Chauffeurs and Guards Local Union No. 820, 185 F.Supp. 492, 45 LRRM 3067 (D.N.J. 1960).

(Technical Revisions: Dec. 2016)

#### 110.610 RATIFICATION OF AGREEMENT

There is nothing in the Act which requires that collective bargaining agreements be submitted to the membership for ratification. Procedures concerning this matter would be controlled by the constitution and bylaws of the union involved.

#### 110.620 REQUEST THROUGH ATTORNEY

It is clear from the language of the Act that an employee who has a right to a copy of a collective bargaining agreement under section 104 must make a specific request for a copy to the labor organization concerned. There is, however, nothing in the Act or its legislative history to indicate that he may not make the request through his attorney. Therefore, where an employee makes such a request through his attorney, and where the conditions of section 104 have been met, the labor organization would have a duty to furnish a copy of the agreement to the attorney, provided it has knowledge that the request was authorized by the employee. A letter from the attorney to the labor organization transmitting a signed request from his client would ordinarily be sufficient.